

## **REMARKS**

This Amendment is in response to the Office Action of June 7, 2005 wherein the Examiner rejected claims 1-10, all claims pending.

The Examiner objected to the disclosure for not including the appropriate sub-title above the paragraph claiming benefit of the U.S. provisional application. Applicant has amended the specification above to overcome this objection.

The Examiner first rejected claims 1-2 under 35 USC 102(a) as being anticipated by *Kukucka et al.* The Examiner next rejected claims 3-10 under 35 USC 103(a) as being unpatentable over *Kukucka et al.* The filing date of *Kukucka et al.* is December 27, 2001.

Applicant attaches hereto a Declaration under 37 CFR 1.131 which discloses a conception and reduction to practice date of at least March 13, 2001, before the filing date of *Kukucka et al.* Since *Kukucka et al.* is not prior art, Applicant requests withdrawal of these rejections.

The Examiner dismisses the claimed invention set forth in the dependent claims as only the discovering of an optimum value. However, the applicant has not merely discovered optimal values, but combined a high transaxle gear ratio with a CVT ratio that produces an exemplary tractive force or pulling force while also allowing an acceptable vehicle top speed especially for a relatively lightweight, economically manufactured cart-type utility vehicle.

According to an exemplary embodiment of the invention, the transaxle turn ratio is considerably greater than heretofore known comparable utility vehicles.

Applicant submits that all claims are in condition for allowance and request issuance of the application.

Respectfully submitted,

By:



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